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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,386	10/27/2003	Matthew Wilczynski	BDPN-101	1198

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Mark W. Birkhead
3830 Valley Centre, 705-345
San Diego, CA 92130

EXAMINER

ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/693,386

Applicant(s)

WILCZYNSKI ET AL.

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Meyer US Patent Pub. 2003/0133546.

Regarding claim 1, Meyer teaches an interactive system by which to convert auction specific information relating to auction events, content and object data generated by an on-line auction system into interactive voice communications for transmission to a user, (abstract; paragraph 0024; fig. 2), said interactive system comprising:

an application system to receive the auction specific information generated by the on-line auction system and to convert said auction specific information into voice content and instructions, (0042-0045);

a telephony/voice system to receive the voice content and instructions produced by said application system and to generate an interactive voice response to said voice content and instructions, (0037-0040);

a telecommunications network by which to transmit the interactive voice response generated by said telephony to the user, (paragraphs 0025, 0033,0037); and

a telephone at which the user receives the interactive voice response transmitted by said telecommunications network, (paragraph 0033,0037).

Regarding claim 2, Meyer, as applied to claim 1 teaches wherein said telecommunications network is one of a cellular telephone network, a mobile telephone network, a satellite telephone network or a public switched telephone network, (0005; fig. 1).

Regarding claim 3, Meyer, as applied to claim 1, teaches wherein said telephone of the user is at least a cellular telephone, (0005).

Regarding claim 4, Meyer, as applied to claim 4, teaches wherein said telephony/voice system has means communicating with said application system by which to receive an outbound call instruction and thereby initiate an outbound call to the telephone of the user by way of said telecommunications network, (paragraphs 0025 0033,0037), said telephony/voice system also having means by which to accept an inbound call from the telephone of the user by way of said telecommunications network, (paragraph 0019).

Regarding claim 5, Meyer, as applied to claim 4, teaches wherein the means of said telephony/voice system to accept an inbound call from the telephone of the user is responsive to at least one of the voice of the user or audio tones (DTMF) generated by the user on the telephone of the user, (paragraphs 0019, 0038, 0040).

Regarding claim 6, Meyer, as applied to claim 5, teaches wherein the means of said telephony/voice system to accept an inbound call that is responsive to at least one of the voice of the user or the audio tones generated on the telephone of the user is a speech/DTMF recognition engine that is adapted to convert the user's voice and the audio tones into corresponding voice/DTMF commands, (paragraphs 0010, 0015, 0025).

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Regarding claim 7, Meyer, as applied to claim 6, teaches wherein said telephony/voice system also includes a voice instructions interpreter interconnected between said speech/DTMF engine and said application system so as to receive said voice/DTMF commands and to provide to said application system corresponding response instructions to be delivered from said application system to the on-line auction system as information instructions, (paragraph 0010,0012,0025).

Regarding claim 8, Meyer, as applied to claim 7, teaches wherein said telephony/voice system also includes a speech/text-to-speech engine interconnected with said voice instruction interpreter, said voice instruction interpreter receiving the voice content and instructions produced by said application system and generating voice output instructions in response thereto, said speech/text-to-speech engine receiving said voice output instructions and transmitting to said telecommunications network understandable human speech that is based on said voice output instructions generated by said voice instruction interpreter, (paragraph 0014).

Regarding claim 9, Meyer, as applied to claim 7, teaches wherein said application system includes an application service that is adapted to convert the response instructions provided by the voice instruction interpreter of said telephony/voice system into auctions instructions to be delivered to the on-line auction system, (paragraphs 0010; 0033,0037).

Regarding claim 10, Meyer, as applied to claim 9, teaches wherein the application service of said application system generates said outbound call instruction to said telephony/voice system to initiate the outbound call to the telephone of the user, whereby to cause the auction specific information from the on-line auction system to be transmitted to the user as understandable human speech, (paragraphs 0025, 0033,0037).

Regarding claim 11, Meyer, as applied to claim 9, teaches wherein said application system also includes an application database communicating with said application service to store information from and receive information for said application service, (fig. 1).

Regarding claim 12, Meyer, as applied to claim 1, teaches wherein the auction specific information received by said application system and converted to voice content and instructions includes at least some of a description of auction items, a user profile containing auction items, auction events, auction status, and advertising related events, (paragraphs 0025, 0033,0037).

Regarding claim 13, Meyer teaches an interactive system by which to convert on-line auction event information corresponding to auction events, content and object data into understandable human speech to be presented to a user (abstract; paragraph 0024; fig. 2) and to convert speech and/or DTMF audio generated by the user into auction commands to be routed to an on-line auction information system in response to the auction event information, (paragraphs 0010; 0014, 0033,0037), said interactive system comprising:

means to receive the auction event information from the on-line auction, (paragraph 0010,0012,0025);

means to convert the auction event information into interactive responses as understandable human speech to be presented to the user, (paragraph 0024);

a telephony network to deliver said interactive responses to the user, (paragraphs 0025, 0033,0037); and

means communicating with said telephony network for converting the speech and/or DTMF audio response generated by the user into auction commands to be routed to the on-line auction, (paragraph 0010,0012,0025).

Regarding claim 14, Meyer, as applied to claim 13, teaches wherein the means to convert the auction event information into interactive responses as understandable human speech to be presented to the user is a speech/text-to-speech engine, (paragraph 0014).

Regarding claim 15, Meyer, as applied to claim 14, teaches wherein the means to convert the auction event information into interactive responses also includes a voice instruction interpreter communicating with said speech/text-to-speech engine to provide voice output instructions to said speech/text-to-speech engine corresponding to the auction event information received from the on-line auction, (paragraph 0014).

Regarding claim 16, Meyer, as applied to claim 15, teaches wherein said means communicating with said telephony network for converting the speech and/or DTMF audio responses generated by the user into auction commands includes a speech/DTMF recognition engine communicating with said voice instruction interpreter so as to provide to said voice instruction interpreter voice/DTMF commands corresponding to said speech and/or DTMF audio responses generated by the user, said voice instruction interpreter providing output information in response to said voice/DTMF commands to be routed to the on-line auction as auction commands, (paragraph 0010,0012,0025).

Regarding claim 17, Meyer, as applied to claim 13, teaches call initiation means adapted to receive outbound call instructions and thereby initiate a call to the user by way of said telephony network so that the auction event information can be transmitted to the user, (paragraphs 0025, 0033,0037).

Regarding claim 18, Meyer teaches a method for converting auction specific information relating to at least some of auction service provider events, content and object data into

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interactive voice responses to be delivered to a user, (abstract; paragraph 0024; fig. 2), said method comprising the steps of:

generating electronic data packets containing the auction specific information obtained from a source of said information at an on-line auction information system, (paragraph 0010,0012,0025);

converting the data packets into corresponding voice content and instructions, (paragraph 0010,0012,0025);

generating an interactive voice response to said voice content and instructions, (paragraph 0014);

generating an interactive voice response to said voice content and instructions as understandable human speech, (paragraph 0037-0040);

transmitting said interactive voice response to a telecommunications network, (paragraphs 0025, 0033,0037); and

delivering said interactive voice response to the user by way of said telecommunications network, (paragraphs 0025, 0033,0037).

Regarding claim 19, Meyer, as applied to claim 18, teaches producing a user-generated voice and/or audio (DTMF) signal in reply to said interactive voice response delivered to the user, (paragraph 0010,0012,0025);

transmitting said user generated voice and/or audio signal from the user by way of said telecommunications network, (paragraphs 0025, 0033,0037) and

routing said information instructions to the on-line auction information system, (paragraphs 0025, 0033,0037).

Regarding claim 20, Meyer, as applied to claim 18, teaches wherein the step of generating an interactive voice response to said voice content and instructions is accomplished by means of a voice instruction interpreter to receive said voice content and instructions and to provide corresponding voice output instructions, and a speech/text-to-speech engine communicating with said voice instruction interpreter to receive said voice output instructions and to provide said interactive voice response as understandable human speech, (paragraph 0010,0014,0012,0025).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim et al.- Korean Patent Pub. KR 2002003892 A teaches of a method and a system for an on-line auction on the basis of a plurality of telephone calls are provided to integrate a domestic auction and an international auction.

Bauer et al. US Patent Pub. 2005/0080712 teaches an online auction system comprising a preliminary bidding portion and a virtual auction portion is disclosed herein. The preliminary bidding portion allows bidders to access auction items and input bids during a pre-established period of time. This preliminary bidding portion may be conducted via computers connected to the Internet or via telephones connected to the public telephone network.

Sakai - Japanese Patent Pub. JP 2002-133178 A provides an intermediate buying/selling system for online auction, displays list of commodities at public place and receives user's choice of item and bidding price transmitted through mobile telephone

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Rossmann et al. - Japanese Patent Pub. JP 2000-306035 A teaches a radio mobile device 108 is included in the on-line auction system 100. Auction information is supplied from an auction server 102 to the mobile device 108 through a proxy server 116. The auction information is displayed together with a bidding price increase form enabling the user of a client device to present a bidding price increased for specific auction. Bidding price increase information relating to the bidding price increase form is sent by the proxy server 116 to the auction server 102.

Kodama - Japanese Patent Pub. JP 2005-57625 A teaches a telephone call mediation apparatus for online auction, acquires telephone number of user and specified party from database, and establishes telephone call circuit between telephone numbers of user and specified party

4. Any response to this action should be mailed to:

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The examiner can normally be reached on M-Th from 6:30AM to 4:00PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S. Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER



Ovidio Escalante
Primary Patent Examiner
Group 2614
December 22, 2006

O.E./oe